

Dear Members of the Planning Board,

Please include this as a submission of record for your hearing on June 2, 2009.

Attached is the result of detailed research on daycare dimensional controls and Site Plan Review in Towns across Massachusetts.

We surveyed a list of Towns, some that had been approached by Dover Amendment builders, some that had been challenged by those builders, and some that had never dealt with them.

Here is a quick summary, of what bylaws are in place and what the "situation" is regarding dimensional controls for daycares in residential districts. Note that some towns are reporting that a solid Site Plan Review process is helping them control the size/nature of projects and is been quite effective in protecting the interests of their towns.

- Andover (Site plan review, 3,000 Sq Ft limit, min lot sizes)
- Bedford (Recently changed FAR 25% to 15%, see detailed minutes)
- Belmont (no size limitations, beyond res limits)
- Brookline (Site Plan Review for projects over 10,000 sq ft)
- Concord (recent TM action spec to Site Plan Review)
- Hingham (min lot size 2 acres, 40 ft setback)
- Hopkinton (Site plan review, withdrew 19,700 sf project, setbacks not met)
- Lexington (only controls are per normal res controls setbacks/height)
- Lincoln (defense appears to rely on neighborhood pressure)
- Littleton (approved 11,000 sq ft facility in res distric, no problem)
- Milford (planner: no regulations, "we're wide open")
- Needham (FAR: 0.3, ltd to 15% of lot for most lots, buffer req'ts)
- Newton (min lot 5,000 sf, profit-orgs: FAR .2 to .4, depending on district)
- Norfolk (2,500 sq ft limit challenge was deemed "facially valid", but not applicable to that project, no change in bylaw post-challenge)
- North Andover (low cover ratios, FARs seem high, needs interpret)
- Northbridge (planner: no regulations, "we're wide open")
- Sherborn (daycare subject to all res controls, strict setbacks, etc)
- Wellesley (2,500 sq ft limit, no challenges)
- Westford (2,500 sq ft limit, only for NON PROFITS)
- Westwood (min lot area 25%, setbacks 25-50ft, special review)

I hope this is helpful as we, as a Town, discuss what we can do to protect the character of Acton's neighborhoods.

Terra